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administering to the subject an agent that binds to a β_1 integrin cell surface receptor of leukocyte cells, wherein the agent is an antibody, a β_1 integrin cell surface receptor-binding antibody fragment, or a peptide comprising GRGDSP (SEQ ID. NO:2) in an (amount effective) to inhibit signaling mediated by the β_1 integrin cell surface receptor and to enhance the migration of leukocyte cells through the tenascin so that the leukocyte cells reach and kill the malignant tumor cells, so as to thereby treat the malignant tumor.

h2 39. (3x amended) The method of claim 27, wherein the agent is a β_1 integrin cell surface receptor-binding antibody fragment.

D3 41. (3x amended) The method of claim 27, wherein the agent is a peptide comprising GRGDSP (SEQ ID NO:2).

REMARKS

Claims 27-39 are pending and under examination in the subject application. Claim 41 is allowed. Applicants have hereinabove amended claims 27, 39 and 41. Support for the term " β_1 integrin cell surface receptor-binding antibody fragment" is found at, inter alia, page 12, line 34 of the specification. Other amendments to the claims are merely to introduce minor format changes. Applicants maintain that these amendments raise no issue of new matter, and respectfully request entry of this Amendment. Upon entry of this Amendment, claims 27-39 and 41 will be pending and under examination.

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Pursuant to 37 C.F.R. 1.121, applicants annex hereto as Exhibit A a marked-up version of the amended claims showing the changes thereto relative to the previous version thereof.

In view of the arguments set forth below, applicants maintain that the Examiner's objections and rejections made in the May 2, 2002 Final Office Action have been overcome and respectfully request that the Examiner reconsider and withdraw same.

Formalities

The Examiner stated that the term "Matrigel" should be capitalized wherever it appears in the application, and should be accompanied by its generic terminology. In response, applicants note that the term "Matrigel" appears in the application as set forth herein, i.e., with the first letter capitalized, thus signifying the status of this term as proprietary. Applicants also note that no single generic term appears to exist for "Matrigel", since this trademark represents a complex mixture of compounds.

Rejection Under 35 U.S.C. §112, First Paragraph

The Examiner rejected claims 27-39 under 35 U.S.C. §112, first paragraph, as allegedly not enabled by the specification.

In response, applicants respectfully traverse the Examiner's rejection.

Briefly, claims 27-39, as amended, provide a method for treating a malignant tumor, wherein the tumor comprises tumor cells around which tenascin has been deposited. This method comprises the

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step of administering an agent that binds to a β_1 integrin cell surface receptor of leukocyte cells. The agent can be an antibody, a β_1 integrin cell surface receptor-binding antibody fragment, or a peptide comprising GRGDSP.

The Examiner asserts that the specification does not enable "any and all agents" for binding such receptors. Specifically, the Examiner asserts that no enablement exists for peptidomimetics or non-GRGDSP-containing peptides.

In response, and without conceding the correctness of the Examiner's remarks, applicants note that peptidomimetics and non-GRGDSP-containing peptides are not recited in the claims.

Moreover, applicants note that the Examiner has conceded enablement for antibodies, binding fragments thereof and GRGDSP. Accordingly, the claim method is enabled by the specification.

In view of the above remarks, applicants maintain that claims 27-39 satisfy the requirements of 35 U.S.C. §112, first paragraph.

Summary

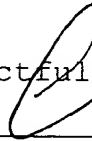
In view of the amendments and remarks made herein, applicants maintain that the claims pending in this application are in condition for allowance. Accordingly, allowance is respectfully requested.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

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No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

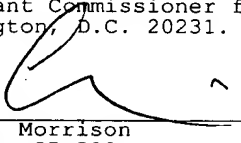
Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents,
Washington, D.C. 20231.


Alan J. Morrison
Reg. No. 37,399

8/2/02
Date

Marked-Up Claims

Please amend claims 27, 39 and 41 as follows:

27. (3x amended) A method of treating a malignant tumor in a subject wherein the malignant tumor comprises tumor cells around which tenascin has been deposited, which comprises administering to the subject an agent that binds to a β_1 integrin cell surface receptor of leukocyte cells, wherein the agent is an antibody, a β_1 integrin cell surface receptor-binding antibody fragment, or a peptide [or a peptidomimetic] comprising GRGDSP (SEQ ID. NO:2) in an amount effective to inhibit signaling mediated by the β_1 integrin cell surface receptor and to enhance the migration of leukocyte cells through the tenascin so that the leukocyte cells reach and kill the malignant tumor cells, so as to thereby treat the malignant tumor.
39. (3x amended) The method of claim 27, wherein the [peptide is a fragment of an antibody] agent is a β_1 integrin cell surface receptor-binding antibody fragment.
41. (3x amended) The method of claim 27, wherein the agent is a peptide [comprised] comprising GRGDSP (SEQ ID NO:2).